

**TRANSLATION OF THE CRUCIAL PROVISIONS**  
**OF THE DIRECTIVE TEMPORARY PROTECTION 2001/55/EC**

by Eeva Nykänen, Finland  
*eenyka@utu.fi*

**Article 5, §1:** The existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

**Translation:**

Aliens' Act (301/2004) section 109:

(1) Temporary protection may be given to aliens who need international protection and who cannot return safely to their home country or country of permanent residence, because there has been a massive displacement of people in the country or its neighbouring areas as a result of an armed conflict, some other violent situation or an environmental disaster. Providing temporary protection requires that the need for protection may be considered to be of short duration. Temporary protection lasts for a maximum of three years in total.

(2) The Government decides in a plenary session on population groups that may be given temporary protection and on the period when residence permits may be issued on the basis of temporary protection.

**Article 5, §3:** The Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions of this Directive. The Decision shall include at least:

- (a) a description of the specific groups of persons to whom the temporary protection applies;
- (b) the date on which the temporary protection will take effect;
- (c) information received from Member States on their reception capacity;
- (d) information from the Commission, UNHCR and other relevant international organisations.

**Translation:**

Not transposed. See the TOC footnote 1 where it is explained that the establishment of temporary protection in Finland is dependent on a decision by the Finnish government.

**Article 8, §1:** The Member States shall adopt the necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection. Documents or other equivalent evidence shall be issued for that purpose.

**Translation:**

Aliens' Act (301/2004) section 109:

(1) Temporary protection may be given to aliens who need international protection and who cannot return safely to their home country or country of permanent residence, because there has been a massive displacement of people in the country or its neighbouring areas as a result of an armed conflict, some other violent situation or an environmental disaster. Providing temporary protection requires that the need for protection may be considered to be of short duration. Temporary protection lasts for a maximum of three years in total.

(2) The Government decides in a plenary session on population groups that may be given temporary protection and on the period when residence permits may be issued on the basis of temporary protection.

Aliens' Act (301/2004) section 110(1):

(1) Aliens in need of temporary protection are issued with a residence permit for a maximum of one year at a time.

**Article 8, §3:** The Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.

**Translation:**

Not transposed. See the TOC footnote 3, where it is explained that the implementation of this norm rests on general practice in Finland.

**Article 9:** The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection and which are relevant to them are clearly set out.

**Translation:**

Not transposed.

**Article 17, §1:**

1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time.

**Translation:**

Aliens' Act (301/2004) section 111:

(1) Processing an asylum application filed by an alien is suspended for the time during which the alien's residence permit issued on the basis of temporary protection is valid. However, the asylum application may be processed during the period of temporary protection if reasonable grounds for it emerge. The asylum application shall be taken up for processing if a procedure for removing the applicant from the country is initiated while he or she enjoys temporary protection.

(2) Once the temporary protection ends, the processing of the asylum application is dropped unless the applicant, upon written inquiry from the Finnish Immigration Service, requests that the application be processed. The Finnish Immigration Service submits the inquiry to the applicant either by post against a postal receipt or by a process server. (973/2007)

(3) The processing of an asylum application is dropped if the alien cancels his or her application or moves out of the country during the validity period or after the expiry of the residence permit issued on the basis of temporary protection.

**Article 17, § 2:**

2. The examination of any asylum application not processed before the end of the period of temporary protection shall be completed after the end of that period.

**Translation:**

Aliens' Act (301/2004) section 111:

(1) Processing an asylum application filed by an alien is suspended for the time during which the alien's residence permit issued on the basis of temporary protection is valid. However, the asylum application may be processed during the period of temporary protection if reasonable grounds for it emerge. The asylum application shall be taken up for processing if a procedure for removing the applicant from the country is initiated while he or she enjoys temporary protection.

(2) Once the temporary protection ends, the processing of the asylum application is dropped unless the applicant, upon written inquiry from the Finnish Immigration Service, requests that the application be processed. The Finnish Immigration Service submits the inquiry to the applicant either by post against a postal receipt or by a process server. (973/2007)

(3) The processing of an asylum application is dropped if the alien cancels his or her application or moves out of the country during the validity period or after the expiry of the residence permit issued on the basis of temporary protection.